

RESPONSE TO OFFICE ACTION

This paper responds to the Office Action dated December 15, 2005.

Impossible to combine. In the previous Office Action the Examiner had rejected all claims over a two-way combination of two references. The Examiner had stated that it supposedly would have been obvious (at the time of the filing of the present application in December of 2000) to combine the two references. The undersigned pointed out that at the time of the filing of the present application, one of the references was in fact secret within the USPTO pursuant to 37 CFR § 1.14. The undersigned pointed out that the soonest that anyone, regardless of whether or not they were skilled in the art, could have combined the references was when the second one finally for the first time became public, namely in October of 2004.

In the December 15, 2005 Office Action, the Examiner has said nothing to refute this fact about one of the references having been secret at the time it was supposedly so obvious to combine it with some other reference. And indeed the Examiner cannot refute this. The Examiner's only response is to quote 35 USC § 103. But Section 103 in no way refutes the simple unavailability of the secret Camp reference at the time it was supposedly available to be combined in December of 2000.

If it was so obvious to combine the two references in December of 2000, the undersigned challenges the Examiner to explain why the Examiner did not cite the two references in the March 8, 2004 Office Action or in the October 1, 2004 Office Action.

Supposedly illegible Exhibit B. The Examiner states (Office Action para. 10) that Exhibit B is “illegible”. But it is noted that the Exhibit B that is in IFW (the Image File Wrapper system) was scanned by USPTO personnel prior to inclusion of Exhibit B in IFW. The scanning by USPTO personnel rendered the document illegible. Note for example that USPTO personnel stamped the words “BEST AVAILABLE COPY” upon the scanned document, an admission that the scanning had

degraded the document.

Attached hereto is another copy of Exhibit B. This copy is being provided through the new EFS-Web electronic filing system, and thus the undersigned is providing it directly into IFW. The benefit of using EFS-Web is that it denies USPTO personnel any access to the document for scanning purposes and thus the document image is not able to be degraded by any scanning process.

The Examiner is requested to review this Exhibit B and to reconsider the rejection.

Death of the inventor. The Examiner (Office Action para. 11) cites MPEP section 409, stating without explanation that

therefore the Applicant's representatives still failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

It is not clear to the undersigned how it is that anything in MPEP section 409 would lead to a situation where “therefore” anything had been shown or not shown.

As best the undersigned can discern, the Examiner seems to be asking for a new Power of Attorney. The Examiner's attention is respectfully drawn to Reel 011909, Frame 0735 where an assignment was recorded many years ago from the inventor to SoftWired AG, a Swiss company. The undersigned will presently provide a Power of Attorney from SoftWired AG to the undersigned.

Respectfully submitted,

/s/

Carl Oppedahl
PTO Reg. No. 32,746